

Exhibit 9

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Nicholas N. Paul in Support of Plaintiffs' Motion for Summary
Judgment as to Defendant Sandoz

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

MDL NO. 1456

Master File No. 01-12257-PBS

Subcategory Case No. 06-11337

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In re: PHARMACEUTICAL INDUSTRY

AVERAGE WHOLESALE PRICE LITIGATION

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THIS DOCUMENT RELATED TO:

State of California, ex rel. Ven-A-Care v.

Abbott Laboratories Inc. et al.

Case No. 03-cv-11226-PBS

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(Cross Notices Appear on Following Pages)

VIDEOTAPED TELECONFERENCED 30(B)(6) DEPOSITION OF:

RONALD H. HARTMANN, R.Ph.

Wednesday, May 6, 2009

New York, New York

Reported in stenotype by: RICH GERMOSEN,

CCR, CRCR, RPR, CRR, CLR

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1 would be.

2 Q. Right, but if you went to the CMS
3 website, for example, or if you used the National
4 Pharmaceutical Council's publication and you
5 looked up the reimbursement formula used by
6 California, it would show you AWP minus some
7 percent, isn't that correct?

8 A. That is correct. That's a formula
9 California would choose to use.

10 Q. Correct. Okay.
11 Do you know when you first became
12 aware of that, that California used an AWP minus
13 some percentage formula?

14 A. I'm not sure exactly what year,
15 but it almost seems like the majority of states
16 do use an AWP minus formula --

17 Q. Okay.

18 A. -- among other tools that they
19 choose to use.

20 Q. Right. Okay.

21 So would it be a fair statement to
22 say that probably for at least the majority of

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1 that period of time, that is 1994 through 2004,
2 you were aware that California used that AWP
3 minus formula to reimburse pharmacies under its
4 Medicaid system?

5 A. Among other --

6 MR. CARBERRY: Objection as to
7 form.

8 A. Among other tools they, they, in
9 fact, could have used the AWP minus formula, yes.

10 Q. Okay.

11 But I'm just talking about that
12 period of time.

13 A. Okay.

14 Q. Your knowledge during that period
15 of time. Is that an accurate statement, that
16 during that period of time you were aware of what
17 California used to reimburse pharmacies under the
18 Medicaid system?

19 A. Right. They used that as one of
20 their tools that I don't believe exclusively they
21 used AWP minus formula. They used other tools
22 to, for instance, like Federal Upper Limits

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1 and --

2 Q. Okay.

3 A. -- and federal -- state MACs and
4 usual and customary.

5 Q. Okay.

6 Now, isn't it true that most
7 states that used an AWP as at least a basis for
8 reimbursement obtained that AWP price from First
9 DataBank?

10 MR. CARBERRY: Objection as to
11 form.

12 A. It's my understanding that First
13 DataBank was one of the main sources of that
14 information.

15 Q. Okay.

16 And, in fact, California or its
17 agents obtained their AWPs or the AWPs that
18 California used for its reimbursement from First
19 DataBank?

20 MR. CARBERRY: Objection as to
21 form.

22 Q. Are you aware of that?